

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAVID LEE ROBINSON

v.

TEMPLE UNIVERSITY HEALTH  
SERVICES, et al

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CIVIL ACTION

NO. 11-4667

**ORDER**

**AND NOW**, this 23rd day of April, 2012, upon consideration of the defendants' Motion to Dismiss for Plaintiff's Failure to File a Certificate of Merit (Document No. 24) and the plaintiff's response, it is **ORDERED** that the motion is **DENIED WITHOUT PREJUDICE**.

**IT IS FURTHER ORDERED** as follows:

1. The complaint is **DISMISSED** for lack of subject matter jurisdiction; and,
2. The plaintiff is granted leave to file, if he so desires, an amended complaint no later than **May 7, 2012**.

/s/Timothy J. Savage  
TIMOTHY J. SAVAGE, J.